# JOINT SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1923

## The Indian Penal Code (Amendment) Bill

List of Reports of Select or Joint Committees presented in the Legislative Assembly in 1923.

| Serial No. | Short title of the Bill. | Date of presentation. | Remarks. |
|---|---|---|---|
| 1. | The Cotton Transport Bill. | 15.1.23. | Reports of the Joint Committees |
| 2. | The Cantonment(House Accommodation)Amendment Bill. | 15.1.23. | |
| 3. | The Indian Boilers Bill. | 15.1.23. | |
| 4. | The Indian Mines Bill. | 16.1.23. | |
| 5. | The Workmen's Compensation Bill. | 24.1.23. | |
| 6. | The Indian Official Secrets Bill. | 31.1.23. | |
| 7. | The Married Women's Property Bill by Mr.B.S.Kamat. | 8.2.23. | |
| 8. | The Indian Penal Code(Amendment) Bill(White Slave Traffic ) | 8.2.23. | |
| [illegible] | | [illegible] | |
| 9. | The Indian Cotton Cess Bill. | 14.2.23. | -do- |
| 10. | The Code of Civil Procedure(Amendment) Bill by Dr.Hari Singh Gour. | 20.2.23. | |
| 11. | The Hindu Law of Inheritance(Amendment) Bill by Mr.T.V.Seshagiri Ayyar. | 14.3.23. | No Copy avai |
| 12. | The Exclusion from Inheritance Bill by Mr.T.V. Seshagiri Ayyar. | 14.3.23. | |
| 13. | The Code of Criminal Procedure(Amendment) Bill (Sec.4) By Mr.Abul Kasem. | 14. 3.23. | |
| 14. | The Civil Marriage (Amendment) Bill by Dr.Hari Singh Gour. | 14. 3.23. | |
| 15. | The Mussalman Wakf Registration Bill by Mr.Abul Kasem. | 15.3.23. | |
| 16. | The Abolition of Transportation Bill. | 3. 7.23. | |
| 17. | The Indian Stamp (Amendment) Bill. | 10.7.23. | |
| 18. | The Indian Naturalization Bill. | 10.7.23. | |
| 19. | The Land Acquisition (Amendment) Bill. | 10.7.23. | |
| 20. | The Cantonments Bill. | 18.7.23. | |
| 21. | The Code of Civil Procedure(Amendment) Bill by Lala Girdhari Lal Agarwal. | 24.7.23. | |
| 22. | The Legal Practitioners Bill by Mr.K.C.Neogy. | 24.7.23. | |
| 23. | The Illegitimate Sons' Rights Bill.by Mr.V.K. Reddi Garu. | 27.7.23. | |

Paper No. I (Opinions from Local Governments).

WE, the undersigned, Members of the Select Committee to which the Bill to amend sections 362 and 366 of the Indian Penal Code was referred, have considered the Bill and the paper noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

We consider that the Bill as referred to us requires alteration in two main respects. In the first place, we think that clause 2 goes beyond the purpose for which the Bill was introduced by amplifying the definition of abduction in such a manner as to make it applicable to every case of abduction and not only to those with which the Bill is concerned. More especially we observe that if abuse of authority in certain circumstances constitutes abduction, a guardian who marries his ward against her will might become punishable under section 366 of the Indian Penal Code In the second place, the Bill, in providing that the age at which the consent of a girl is to become material for the purposes of the offence with which the Bill deals shall be 16, does not give effect to the Convention to the fullest extent which is possible. We see no reason why effect should not be given to the Convention in regard to offences committed against girls imported from a foreign country. At the same time we are, with one dissentient, of opinion that the age in the case of offences in the commission of which no act has been committed outside India should not exceed 16 years.

These conclusions involve a recasting of the Bill and we have accordingly recommended what is, in form though not in substance, a new Bill, to the provisions of which we proceed to refer in greater detail.

2. *Clause 2.*—Section 366 of the Indian Penal Code already penalises the procuration of a woman where such procuration amounts to abduction. It thus covers the requirements of the second article of the International Convention, except in so far as the definition of abduction in section 362 of the Code does not include within its terms intimidation or abuse of authority. The paragraph which we propose to add to the section by clause 2 of the Bill recommended by us has the effect of including intimidation and abuse of authority within the definition of abduction in cases where that offence is perpetrated for the purpose of procuration.

*Clause 3.*—Section 366 of the Code also covers the case of the procuration of a girl under 16 unless she has no guardian or the offence is committed by, or with the consent of, the guardian. These cases we propose to provide for by the insertion of a new section 366A in the Code. This new section follows closely the wording of the addition which was proposed to section 366 by clause 3 (*1*) of the Bill as introduced.

The case of girls imported from a foreign country we propose to deal with by the insertion of a new section 366B in the Code. We are unanimously of opinion that the requirements of the Convention will be substantially met by penalising the importation of girls from a foreign country. At the same time we have so worded the clause as to prevent its being made a dead-letter by the adoption of the course of importing the girl first into an Indian State.

3. The Bill was published in the Gazette of India, dated the 30th September, 1922.

4. In view of the fact that practically the whole of the opinions received on the Bill related only to the question of the age of consent in the case of girls domiciled in India, we think that, although we have recast the Bill, its essential provisions have not been so altered as to require the re-publication of the Bill, and we recommend that it be passed as now redrafted by us.

W. M. HAILEY.

NAND LAL.

K. B. L. AGNIHOTRI.

P. V. SRINIVASA RAO.

N. M. SAMARTH.

J. N. MUKHERJEE.

T. RANGACHARIAR.

D. C. BARUA.

DELHI:
*The 8th February, 1923.*

[AS AMENDED BY THE SELECT COMMITTEE]

**(Words printed in italics indicate the amendments suggested by the Committee.)**

A

# BILL

TO

*Give effect to certain Articles of the International Convention for the Suppression of the White Slave Traffic.*

WHEREAS it is expedient *further* to amend the Indian Penal Code *in order to give effect to the first, second and third Articles of the International Convention for the suppression of the White Slave Traffic signed at Paris on the fourth day of May, 1910;* It is hereby enacted as follows :—

Short title.

**1.** This Act may be called the Indian Penal Code (Amendment) Act, 1923.

*Amendment of section 366, Act XLV of 1860.*

*2. To section 366 of the said Code the following paragraph shall be added, namely :—*

*"and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid."*

*Insertion of new sections 366A and 366B in Act XLV of 1860.*

*3. After section 366 of the said Code the following sections shall be inserted, namely :—*

"*366A. Whoever*, by any means whatsoever, induces any minor girl under the age of sixteen years to go from any place or to do any act with intent that such girl *may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.*

*Procuration of minor girl.*

*366B. Whoever imports into British India from any country outside India any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person,*

*Importation of girl from foreign country.*

*and whoever with such intent or knowledge imports into British India from any State in India any such girl who has with the like intent or knowledge been imported into India, whether by himself or by another person,*

*shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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# Report of the Select Committee on the Bill to amend sections 362 and 366 of the Indian Penal Code, with the Bill as amended.

SGPI, Delhi—I—2—454—9-2-23—730